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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,516	06/07/2001	Larry G. Ingraham	44018-0001	9221

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EXAMINER

COZART, JERMIE E

ART UNIT

PAPER NUMBER

3726

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,516

Applicant(s)

INGRAHAM, LARRY G.

Examiner

Jermie Cozart

Art Unit

3726

-- Th MAILING DATE of this communication appears on th cov r sh et with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 12-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Claims 1-11 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Newly submitted claim 21 is a product by process and has been grouped with the non-elected product claims 12-20, as such claims 12-21 have been withdrawn from consideration.

Claim Objections

2. Claims 1-11 are objected to because of the following informalities: In claim 1, line 14, it is suggested to insert a - , - - after "element"; line 19, it is suggested to insert a - , - - after "element" in its first occurrence; line 20, it is suggested to change "fillin" to - fill in-. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 1, the phrase "stencil-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "stencil-like"), thereby rendering the scope of the claim(s) unascertainable.

6. Claim 6 recites the limitation "said signage" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
7. Claim 7 recites the limitation "said signage" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.
8. Claim 9 recites the limitation "said signage" in lines 6-7 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Patterson.

Patterson discloses fabricating a sign (not labeled see Figure 2), wherein three dimensional pieces of element material are selected for defining respectively a signage recipient base element (14) and at least one signage donor element (not shown), the pieces of element material being of similar construction except for at least one difference in appearance or tactile perception. Patterson discloses determining signage content for the sign. Patterson discloses specific substance having been removed from the recipient base element configured to represent the signage content, such that there remains as the recipient base element a stencil-like base possessing the signage content. Patterson discloses having extracted from the signage donor element, signage

material (20) configured substantially the same as the signage content specific substance of the recipient base element. Patterson also discloses inserting in the stencil-like base recipient element (14), the signage material (20) from the donor element, to thereby fill in the stencil-like base. Patterson employs as the signage donor element a material having a surface texture significantly different from the recipient element. The signage material (20) a thickness dimension significantly different than the thickness dimension of the recipient base element (14), whereby the signage material projects from the recipient base (14). *See Figures 1 and 2; column 2, lines 42-66; column 3, lines 15-20, and 31-35 for further clarification.*

Patterson discloses the step of selecting pieces of element material as including selecting for the recipient base material, conventional baseboard product (i.e. drywall, plaster board), whereby the sign will be suitable for installing as a section of baseboard within a building (i.e. interior wall surfaces). Patterson also discloses affixing a sticky backing (12) to the recipient base element (14) the temporary adherence of the signage material (20) in the recipient base element, until the sign is ready for installation. *See Figures 4-6, column 3, lines 15-20, 31-35, and 60-63 for further clarification.*

11. Claims 1-4 and 6-8 rejected under 35 U.S.C. 102(b) as being anticipated by Buck (2,591,779).

Buck`779 discloses fabricating a sign (not labeled), wherein three dimensional pieces of element material are selected for defining respectively a signage recipient base element (24) and at least one signage donor element (14, 15, 16), the pieces of element material being of similar construction except for at least one difference in

appearance or tactile perception. Buck`779 discloses determining signage content for the sign. Buck`779 discloses specific substance having been removed from the recipient base element (24) configured to represent the signage content, such that there remains as the recipient base element a stencil-like base possessing the signage content. Buck`779 discloses having extracted from the signage donor element, signage material configured substantially the same as the signage content specific substance of the recipient base element. Buck`779 also discloses inserting in the stencil-like base recipient element (24), the signage material from the donor element, to thereby fill in the stencil-like base. *See Figures 1, 2, and 10-13, and column 4, lines 34-69 for further clarification.*

Buck`779 discloses the step of extracting to include cutting from the donor element, three-dimensional material. Buck`779 also discloses the steps of removing and extracting to be accomplished by die cutting, and the step of inserting causes the signage material to be integral within the recipient base element. *See Figures 1, 2, 11, and 13, and column 6, lines 12-18 for further clarification.*

Buck`779 discloses one of the pieces having a color different than the other piece, whereby the signage has a color different from the recipient base color. Buck`779 also discloses the selecting being of three pieces, each piece having a difference of color (i.e. reflective, cardboard, plastic), whereby the signage of two colors, both different from the color (i.e. clear masking sheet) of the recipient base. Buck`779 employs as the signage donor element a material having a surface texture significantly different from the recipient element. *See Figures 1, 2, 7, and 13 and column 4, lines 34-69 for further clarification.*

12. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Buck (3,461,583).

Buck`583 discloses fabricating a sign (not labeled), wherein three dimensional pieces of element material are selected for defining respectively a signage recipient base element (20) and at least one signage donor element (not shown), the pieces of element material being of similar construction except for at least one difference in appearance or tactile perception. Buck`583 discloses determining signage content for the sign. Buck`583 discloses specific substance having been removed from the recipient base element (20) configured to represent the signage content, such that there remains as the recipient base element a stencil-like base possessing the signage content. Buck`583 discloses having extracted from the signage donor element, signage material configured substantially the same as the signage content specific substance of the recipient base element. Buck`583 also discloses inserting in the stencil-like base recipient element (20), the signage material (16, and associated letters) from the donor element, to thereby fill in the stencil-like base. *See Figures 1 and 2, and column 2, lines 4-18 for further clarification.*

Buck`583 discloses the step of inserting causes the signage material to be integral within the recipient base element, wherein inserting is by friction fit which is essentially a snug fit and equivalent to a snap-fit per the description in applicant's specification at page 9, lines 16-18. *See column 2, lines 56 and 57 for further clarification.*

References Cited

13. The references cited on the attached PTO-892 are cited to show the formation of signs(see specifically Sorko-Ram 4,842,941).

Conclusion

14. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

15. If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

Art Unit: 3726

872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov


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JC 
January 7, 2003